

STATE ELECTION COMMISSION, HARYANA

NIRVACHAN SADAN, PLOT NO. 2, SECTOR 17, PANCHKULA

The 1st April, 2010

No. SEC/4E-III/2010/1026.—Consequent upon the request of Deputy Commissioner-cum-District Election Officer (Panchayat), Mewat conveyed *vide* letter No. 2513/Panchayat, dated 31st March, 2010, the State Election Commission hereby extend the period for the disposal of claims and objections from 1st April, 2010 to 5th April, 2010 and the date of final publication from 15th April, 2010 to 20th April, 2010 in public interest.

The Deputy Commissioner-cum-District Election Officer (Panchayat), Mewat shall ensure that all the claims and objections be disposed of by 5th April, 2010 and final publication of voters list by 20th April, 2010 positively.

Panchkula :

The 1st April, 2010

DHARAM VIR,
State Election Commissioner, Haryana.

STATE ELECTION COMMISSION, HARYANA

NIRVACHAN SADAN, PLOT NO. 2, SECTOR 17, PANCHKULA

The 2nd April, 2010

No. SEC/2ME/2010/743.—Whereas, the State Election Commission, Haryana, *vide* its Notifications No. SEC/2ME/2010/29, dated 23rd January, 2010 and No. SEC/2ME/2010/401, dated 27th February, 2010 prescribed a programme for preparation of electoral rolls of all wards of the Municipal Councils/Committees where general elections are due, including Municipal Council, Thanesar. According to the programme, draft publication of electoral rolls was required to be done on 10th February, 2010 under rule 7 of Haryana Municipal Election Rules, 1978. Based on the draft publication of electoral rolls, claims and objections could be filed by the interested persons up to 20th February, 2010 under rule 9 *ibid* before the concerned Revising Authority. The last date for deciding the claims and objections by Revising Authority was 25th February, 2010 as per rule 10(1)(i)(ii) *ibid*. Aggrieved with the orders of the Revising Authority, appeals could be filed before Deputy Commissioner up to 5th March, 2010 under rule 10(2) *ibid* and the same were to be decided by 15th March, 2010 under rule 10(3) *ibid*. Final electoral rolls is to be prepared by making changes in the draft electoral rolls as per orders of Revising Authority on the claims and objections and orders of Deputy Commissioner on the appeals against the orders of the Revising Authority under rule 11 *ibid*. The final electoral rolls so prepared were required to be published by Deputy Commissioner on 22nd March, 2010. After publication of the list, it was to be hosted on website of the district administration.

2. Whereas, a complaint was received in the State Election Commission stating therein that there is huge difference in number of votes in Assembly electoral rolls pertaining to Municipal Council, Thanesar and the present finally published electoral rolls of Municipal Council, Thanesar. The Deputy Commissioner was asked to enquire in to the matter and submit a report. Vide his memo No. 1171/LFA, dated 29th March, 2010 he has reported that according to the report of Sub Divisional Officer (Civil), Thanesar, there were 70,436 voters in Municipal Council, Thanesar in the year 2005, when the last election to the Municipal Council was held. During door to door survey conducted in the year 2010, total 89,534 voters were registered, in which the voters existing in the Assembly list of Thanesar were also considered. Accordingly, draft publication of electoral rolls was done on 10th February, 2010, and claims/objections were invited. In all, 2,014 claims and 475 objections were received, which were decided on 24th and 25th February, 127 appeals against the orders of Revising Authority were made to the Deputy Commissioner, Kurukshetra, being appellate authority. Consequent upon the disposal of claims and objections and appeals, 1,555 votes to be added and 282 votes were to be deleted as informed by the Deputy Commissioner *vide* his memo No. 1296/LFA, dated 2nd April, 2010, *vide* this memo. Deputy Commissioner, Kurukshetra also informed that there were 97 exactly double votes. Thus, the total numbers of voters work out to be 90,710. As per direction of the Commission, the list of 90,710 voters of 31 wards of Municipal Council, Thanesar was to be published on 22nd March, 2010 as final electoral rolls.

3. Whereas, Deputy Commissioner, Kurukshetra informed that the Executive Officer and Secretary, Municipal Council, Thanesar hosted on the website on 22nd March, 2010, the voter list of 1,14,133 voters at their own level. The Deputy Commissioner, *vide* his memo dated 29th March, 2010 stated that the votes of Thanesar Assembly Constituency pertaining to the Municipal Council had been bifurcated and again added inadvertently into 31 different wards of the Municipality by Executive Officer and Secretary, Municipal Council, Thanesar, whereas there was no rationale of again adding any votes from the Thanesar Assembly Constituency electoral rolls as it had already been considered during the door to door survey prior to the draft publication. The total number of votes added is 32,879 as informed by the Deputy Commissioner *vide* Memo dated 2nd April, 2010. The Deputy Commissioner also informed that 9,456 votes from the draft list were deleted resulting in net addition of 23,423 votes to the list which was actually required to be published on the basis of draft publication and decisions on claims/objections and appeals. The Deputy Commissioner has also stated in his memo dated 29th March, 2010 that the electoral rolls hosted on the web-site on 22nd March, 2010 are erroneous, invalid and illegal because of the reasons *i.e.* the final electoral rolls has not been published with requisite approval from and by the competent authority, duplication of voters within the wards and amongst the wards few votes of the original draft publication did not find mention in the electoral rolls and ineligible voters/of other wards voters have been added.

4. Whereas, the Deputy Commissioner, Kurukshetra in his memo No. 1171/LFA, dated 29th March, 2010 has explained that the final electoral rolls hosted on the website are erroneous, technically invalid and illegal and the same were not got approved from the competent authority for publication prior to its hosting on website and therefore the final publication of electoral rolls could not take place on 22nd March, 2010. The Deputy Commissioner, thus *vide* this memo, requested to grant approval for deleting the un-approved electoral rolls hosted on the web-site and to reschedule the date for final publication of the electoral rolls of Municipal Council, Thanesar.

5. Whereas, as per the directions of the State Election Commission's Notification No. SEC/2ME/2010/29, dated 23rd January, 2010, the final electoral rolls was required to be prepared by taking draft list published on 10th February, 2010 with deletion and addition of names on the basis of the orders of the competent authorities on the claims and objections filed before them. As per the report of the Deputy Commissioner, Kurukshetra as mentioned in para 3 above, a large number of voters were added/deleted by Executive Officer and Secretary of the Municipal Council, Thanesar, which could not have been done. Deletion and addition of any vote in the draft electoral rolls could only be made on the basis of orders of Revising Authority after deciding claims and objections and orders of Deputy Commissioner on appeals against the orders of Revising Authority. Therefore, the action of the Executive Officer and Secretary to add and delete names as well as hosting of the electoral rolls at their level was totally illegal and malafide. As per provision in rule 11 of the Haryana Municipal Election Rules, 1978, the Revising Authority was required to send the final list to the Deputy Commissioner for final publication. Only after final publication of electoral rolls by Deputy Commissioner, the same was to be hosted on the website. Since the Executive Officer and Secretary have added and deleted names at their own level without the approval of competent authority, the list prepared by them is illegal and is not a publication as per the notifications referred to in para 1 above and the rules *ibid*.

6. Therefore, in exercise of powers conferred under clause (1) of article 243ZA of the Constitution of India read with Section 3A of the Haryana Municipal Act, 1973, and Rules 3 to 11 of the Haryana Municipal Election Rules, 1978, State Election Commissioner Haryana has directed to order that Deputy Commissioner, Kurukshetra shall make publication of final electoral rolls of the Municipal Council, Thanesar, in the manner as prescribed by the Commission in its Notifications No. SEC/2ME/2010/29, dated 23rd January, 2010 and No. SEC/2ME/2010/401, dated 27th February, 2010, *i.e.* based on draft publication and the orders of Revising Authority on the claims and objections and the orders of Appellate Authority on the appeals against the decisions of the Revising Authority, on 5th April, 2010.

By order

PURAN MÄL,

Secretary

Panchkula :

The 2nd April, 2010

State Election Commission, Haryana.